

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALBERTO J. GARCIA, JR.

Plaintiff,

v.

READING POLICE

DEPARTMENT, *et al.*,

Defendants.

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CIVIL ACTION NO. 23-CV-4908

SHOW CAUSE ORDER

AND NOW, this 20th day of June, 2024, an Order having been issued on April 5, 2024 (Doc. No. 20), directing *pro se* Plaintiff Alberto J. Garcia, Jr., to file a Response to the Motion to Dismiss filed by Defendants Reading Police Department, Cristian Morar, Katelyn Super, Joshua Faust, and Andrew Gery (Doc. No. 19), and it appearing that the April 5, 2024 Order was returned because Garcia has not provided the Court with an up-to-date address as required by Local Rule 5.1(b), it is **ORDERED** that:

1. Garcia shall **SHOW CAUSE** within thirty (30) days of the date of this Order why this case should not be dismissed for failure to prosecute. Any response shall be titled “Response to Show Cause Order” and shall include the civil action number for this case, 23-4908. Because the record is not clear that Garcia intends to abandon his claims, and because I do not intend to prejudice Garcia, I will give Garcia an opportunity to respond to this Order by docketing it, even though he will not be able to receive it by mail in the absence of a current address. Cf. Briscoe v. Klaus, 538 F.3d 252, 258 (3d Cir. 2008) (“[W]e hold that the District Court should provide the plaintiff with an opportunity to explain his reasons for failing to prosecute the case or comply with its orders prior to dismissing a case sua sponte.”); see also Fed. R. Civ. P. 5(b)(2)(D) (when the person has no known address, a paper is served by leaving it with the Clerk of Court). The

expectation is that if Garcia intends to prosecute his case and contacts the Clerk's Office about the status of his case, he will become aware of the Court's orders and will then be able to respond and provide a current address

2. Garcia must provide the Court with a current address within thirty (30) days of the date of this Order if he seeks to prosecute this case. To do so, Garcia must file a "Notice of Change of Address" with the Court that includes the civil action number for this case, 23-4908.

3. If Garcia fails to comply with this Order, this case will be dismissed without further notice for failure to prosecute.

BY THE COURT:

/s/ Paul S. Diamond

PAUL S. DIAMOND, J.